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PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/712,795	
	Filing Date	11/13/2003	
	First Named Inventor	Rosanne M. Crooke	
	Art Unit	1633	
	Examiner Name	Janet Epps-Ford	
Total Number of Pages in This Submission	15	Attorney Docket Number	DOC-0216US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 37 C.F.R. 1.48(a) Statement, Statement Under 37 C.F.R. 3.73(b), Statement Confirming no Deceptive Intent, Declaration pursuant to 37 C.F.R. 1.63, Copy of Office Communication, and Application Data Sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature	<i>Frances R. Putkey</i>		
Printed name	Frances R. Putkey, Ph.D.		
Date	March 3, 2006	Reg. No.	57,257

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Pamela Grooms</i>		
Typed or printed name	Pamela Grooms	Date	3/3/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application No: 10/712,795

Attorney Docket No: DOC-0216US

I certify that this correspondence is being facsimile transmitted to the USPTO, or is being deposited with the U.S. postal Service as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

In re Application of: Crooke, et al.

Application No: 10/712,795

Filed: November 13, 2003

On 3/3/06


Pamela Groons**RECEIVED
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For: ANTISENSE MODULATION OF APOLIPOPROTEIN B EXPRESSION

REQUEST TO CORRECT INVENTORSHIP

Pursuant to 37 C.F.R. §1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is in reply to the Office Communication mailed on November 4, 2005, stating that the Petition to Correct Inventorship under 37 C.F.R. §1.48(a) filed May 20, 2005 does not comply with 37 C.F.R. §1.48(a)(3). Applicants submit herewith Petition to Correct Inventorship, pursuant to 37 C.F.R. §1.48(a), and in compliance with 37 C.F.R. §1.48(a)(3), to have Susan M. Freier added as a named inventor to the above-identified non-provisional application.

Susan M. Freier is a citizen of the United States of America, residing in San Diego, California; USA.

Applicants submit that the inventorship error occurred without deceptive intent on the part of the omitted inventor.

The inventors of U.S. Patent Application No. 10/712, 795 should be listed as follows:

Application No: 10/712,795

Attorney Docket No: DOC-0216US

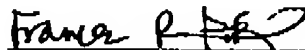
Rosanne M. Crooke, Mark J. Graham, Kristina Lemonidis Tarbet, Kenneth W. Dobie and Susan M. Freier.

Included herewith are: a Statement from the Assignee pursuant to 37 C.F.R. §1.48(a), a Statement under 37 C.F.R. 3.73(b), a Statement Confirming No Deceptive Intent on the part of the inventor, a Declaration pursuant to 37 C.F.R. §1.63, a copy of the Office Communication, and an Application Data Sheet.

Applicants believe that no fee is due with this paper as it is in response to the Office Communication mailed November 4, 2005. However, the Director is hereby authorized to charge fees due with the filing of this paper to the Isis Pharmaceuticals, Inc., Deposit Account 50-0252 referencing docket no. DOC-0216US.

Dated: March 3, 2006

Respectfully submitted,



Frances R. Putkey, R.D.

Registration No: 57,257
Isis Pharmaceuticals, Inc.
1896 Rutherford Rd.
Carlsbad, CA 92008-7208

Application No: 10/712,795

Attorney Docket No: DOC-0216US

In re Application of:

Crooke, et al.

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Application No: 10/712,795

Filed: November 13, 2003

For: ANTISENSE MODULATION OF APOLIPOPROTEIN B EXPRESSION

STATEMENT FROM ASSIGNEE

Pursuant to 37 C.F.R. §1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby assert that I am authorized to act on behalf of the assignee, Isis Pharmaceuticals Inc., 1896 Rutherford Road, Carlsbad, California, 92008, the owner of the entire right, title and interest in U.S. Patent Application No. 10/712,795 (see attached Statement under 37 C.F.R. § 3.73(b)). I further hereby assert that the assignee agrees to the inventorship change in U.S. Patent Application No; 10/712,795 to the following inventive entity:

Rosanne M. Crooke, Mark J. Graham, Kristina Lemonidis Tarbet, Kenneth W. Dobie, Susan M. Freier,

Signed this 2nd day of ^{March} February, 2006 by Grantland E. BryceGrantland E. Bryce
Vice President and General Counsel
Isis Pharmaceuticals, Inc.
1896 Rutherford Rd.
Carlsbad, CA 92008-7208

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PTO/SB/06 (09-04)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Isis Pharmaceuticals, Inc.Application No./Patent No.: 10/712,795Filed/Issue Date: 11/13/2003Entitled: ANTISENSE MODULATION OF APOLIPOPROTEIN B EXPRESSIONIsis Pharmaceuticals, Inc.a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 16972 & 15476, Frame 189 & 619, or for which a copy thereof is attached.

OR

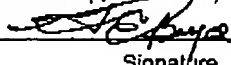
- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3. If the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

3/2/06

Date

Grantland E. Bryce, Esq.

Printed or Typed Name

760 931-9200

Telephone Number

Vice President and General Counsel

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Docket No.: 30566/39634

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:
Rosanne M. Crooke et al.

Application No.: 10/712,795

Confirmation No.: 6394

Filed: November 13, 2003

Art Unit: 1636

For: ANTISENSE MODULATION OF
APOLIPOPROTEIN B-EXPRESSION

Examiner: Not Yet Assigned

STATEMENT CONFIRMING NO DECEPTIVE INTENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

I, Susan M. Freier, hereby state that I am to be added as an inventor to United States Patent Application No. 10/712,795, along with fellow inventor Rosanne M. Crooke, Mark J. Graham, Kristina Lemonidis Tarbet, and Kenneth W. Dobie, and I further state that the error in omitting me from being listed as an inventor occurred without deceptive intent on my part and without deceptive intent on the part of Isis Pharmaceuticals Inc., and without deceptive intent on the part of the currently named inventors.

Signed this 20 day of April, 2005 by Susan M Freier
Susan M. Freier

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**Title of
Invention

ANTISENSE MODULATION OF APOLIPOPROTEIN B EXPRESSION

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/712,795, filed on 11/13/2003
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Rosanne M. CrookeSignature: Rosanne M. CrookeCitizen of: United StatesInventor two: Mark J. GrahamSignature: Mark J. GrahamCitizen of: United StatesInventor three: Kristina Lemonidis TarbetSignature: Kristina Lemonidis TarbetCitizen of: United StatesInventor four: Kenneth W. Dobie

Signature: _____

Citizen of: Great BritainAdditional Inventors or a legal representative are being named on 1 additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DECLARATION FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET
Additional Page

Application No: 10/712,795 Filing Date: 11/13/2003
First Named Inventor: Rosanne M. Crooke Docket No: DOC-0216US

FULL NAME OF INVENTOR(S)	
Inventor : <u>Susan M. Freier</u>	
Signature: <u>Susan M Freier</u>	Citizen of: <u>United States</u>
Inventor : _____	
Signature: _____	Citizen of: _____
Inventor : _____	
Signature: _____	Citizen of: _____
Inventor : _____	
Signature: _____	Citizen of: _____
Inventor : _____	
Signature: _____	Citizen of: _____
Inventor : _____	
Signature: _____	Citizen of: _____
Inventor : _____	
Signature: _____	Citizen of: _____
Inventor : _____	
Signature: _____	Citizen of: _____
Inventor : _____	
Signature: _____	Citizen of: _____

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention	ANTISENSE MODULATION OF APOLIPOPROTEIN B EXPRESSION
<p>As the below named inventor(s), I/we declare that:</p> <p>This declaration is directed to:</p> <p><input type="checkbox"/> The attached application, or</p> <p><input checked="" type="checkbox"/> Application No. <u>10/712,795</u>, filed on <u>11/13/2003</u></p> <p><input type="checkbox"/> as amended on _____ (If applicable);</p> <p>I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;</p> <p>I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;</p> <p>I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.</p> <p>All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.</p>	

FULL NAME OF INVENTOR(S)	
Inventor one: <u>Rosanne M. Crooke</u>	
Signature: _____	Citizen of: <u>United States</u>
Inventor two: <u>Mark J. Graham</u>	
Signature: _____	Citizen of: <u>United States</u>
Inventor three: <u>Kristina Lemonidis Tabet</u>	
Signature: _____	Citizen of: <u>United States</u>
Inventor four: <u>Kenneth W. Doble</u>	
Signature: <u><i>Kenneth W. Doble</i></u>	Citizen of: <u>Great Britain</u>
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on <u>1</u> additional form(s) attached hereto.	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,795	11/13/2003	Rafaela Crooks	ISIS.003CP1	6394
55380 7590 11/04/2005 KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER EPPS FORD, JANET L				
ART UNIT		PAPER NUMBER		
1633				

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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PATENT DEPT.

PTO-90C (Rev. 10/03)



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U.S. Patent and Trademark Office
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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20051006

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Petition to Correct Inventorship under 37 CFR § 1.48(a) filed 5-23-2005 does not comply with 37 CFR § 1.48(a)(3), which requires an oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47. The combined declaration provided by Applicants submitted with the Petition included only the signature of Susan Freier, however, none of the other inventors Rossane Crooke, Mark Graham, Kristina Lemonidis, or Kenneth Dobie signed the declaration submitted by Applicants.


DAVE TRONG NGUYEN
SUPERVISORY PATENT EXAMINER

Janet L. Epps-Ford
Examiner
Art Unit: 1633

PTO-60C (Rev.04-03)

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APPLICATION DATA SHEET

Application Information

Application Number::	10/712,795
Filing Date::	11/13/2003
Application Type::	Regular
Subject Matter::	Utility
Sequence Submission? ::	YES
Computer Readable Form (CFR)? ::	YES
Number of Copies of CFR::	1
Title::	ANTISENSE MODULATION OF APOLIPOPROTEIN B EXPRESSION
Attorney Docket Number::	DOC-0216US
Request for Early Publication? ::	NO
Request for Non-publication? ::	NO
Small Entity::	YES
Petition Included? ::	YES
Petition Type::	PETITION TO CORRECT INVENTORSHIP

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	United States
Status::	Full Capacity
Given Name::	Rosanne
Middle Name::	M.
Family Name::	Crooke
Name Suffix::	
City of Residence::	Carlsbad
State or Province of Residence::	California
Country of Residence::	United States
Street of Mailing Address::	3211 Piragua Street
City of Mailing Address::	Carlsbad
State or Province of Mailing Address::	California
Country of Mailing Address::	United States
Postal or Zip Code of Mailing Address::	92009

Applicant Authority Type::	Inventor
Primary Citizenship Country::	United States
Status::	Full Capacity
Given Name::	Mark
Middle Name::	J.
Family Name::	Graham
Name Suffix::	
City of Residence::	San Clemente
State or Province of Residence::	California
Country of Residence::	United States
Street of Mailing Address::	2305 S. Ola Vista
City of Mailing Address::	San Clemente
State or Province of Mailing Address::	California
Country of Mailing Address::	United States
Postal or Zip Code of Mailing Address::	92672

Applicant Authority Type::	Inventor
Primary Citizenship Country::	United States
Status::	Full Capacity
Given Name::	Kristina
Middle Name::	Lemonidis
Family Name::	Tarbet
Name Suffix::	
City of Residence::	Oceanside
State or Province of Residence::	California
Country of Residence::	United States
Street of Mailing Address::	1652 Seattle Slew Way
City of Mailing Address::	Oceanside
State or Province of Mailing Address::	California
Country of Mailing Address::	United States
Postal or Zip Code of Mailing Address::	92057

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Great Britain
Status::	Full Capacity
Given Name::	Kenneth
Middle Name::	W.
Family Name::	Dobie
Name Suffix::	
City of Residence::	Del Mar
State or Province of Residence::	California
Country of Residence::	United States
Street of Mailing Address::	703 Stratford Ct. #4
City of Mailing Address::	Del Mar
State or Province of Mailing Address::	California
Country of Mailing Address::	United States
Postal or Zip Code of Mailing Address::	92014

Applicant Authority Type::	Inventor
Primary Citizenship Country::	United States
Status::	Full Capacity
Given Name::	Susan
Middle Name::	M.
Family Name::	Freier
Name Suffix::	
City of Residence::	San Diego
State or Province of Residence::	California
Country of Residence::	United States
Street of Mailing Address::	2946 Renault Street
City of Mailing Address::	San Diego
State or Province of Mailing Address::	California
Country of Mailing Address::	United States
Postal or Zip Code of Mailing Address::	92122

Correspondence Information

Correspondence Customer Number::	55,389
Phone Number::	619 235-8550
Fax Number::	619 235-0176
E-Mail Address::	mfuller@kmob.com

Representative Information

Representative Customer No.::	55,389
-------------------------------	--------

Domestic Priority Information

Application ::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	An application claiming the benefit under 35 USC 119(e)	60/426,234	11/13/2002
This Application	Continuation-in-Part of	PCT/US03/15493	05/15/2003

Assignee Information

Assignee name:: Isis Pharmaceuticals, Inc.
 Street of mailing address:: 1896 Rutherford Rd.
 City of mailing address:: Carlsbad
 State or Province of mailing address:: California
 Country of mailing address:: United States
 Postal or Zip Code of mailing address:: 92008